

REMARKS

Claims 1-26, 28-45, and 47 are pending. Claims 1, 21, 33, 34, 43, and 44 are independent. Claim 21 has been amended, and new claim 47 has been added. No new matter is presented. Support for the new claim is shown throughout the Specification, such as, for example, in Paragraphs [0021], [0023], [0024], and [0028]-[0083]. Reconsideration and reexamination are respectfully requested. In response to the finality of the Office Action, Applicant respectfully submits herewith a Request for Continued Examination.

Claim 46 was previously withdrawn without prejudice in a Response to a Restriction Requirement dated January 6, 2009. Applicant reserves the right to present this claim in a divisional patent application.

Claims 1-5, 17-20 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,888 (Vijayan) in view of U.S. Pub. No. 2004/0103024 (Patel) in further view of U.S. Pub. No. 2002/0129089 (Hegde) in further view of U.S. Pub. No. 2001/0033296 (Fullerton). Claims 6-16 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Vijayan, Patel, Hegde, Fullerton, and U.S. Patent No. 6,452,609 (Katinsky). Claims 21-24, 34, 39, and 40 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Vijayan, Patel, and Hegde. Claims 25, 26, 28-32, 35-38, 41 and 42 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Vijayan, Patel, Hegde, and Katinsky. Claim 43 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Vijayan in view of U.S. Pub. No. 2002/0103698 (Cantrell) in view of Patel in further view of Hegde. Claim 44 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Vijayan in view of Cantrell in further view of Patel. Claim 45 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Vijayan in view of Cantrell in further view of Patel in further view of Hegde.

Claim 1 recites a method comprising generating, by a computing device, a first phase of a single multiphase advertisement comprising dimension information, the multiphase advertisement including a streaming media component, the first phase including a graphical interface having a first dimension defined by the dimension information, and generating, by a computing device, a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase, the second dimension defined by the dimension information, the graphical interface includes a

streaming media component space. A streaming media component is built by a computing device using a software player engine in accordance with a design of the single multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined, the streaming media component including a link to streaming media content. The streaming media component is incorporated, by a computing device, into the streaming media component space of the graphical interface in the second phase of the single multiphase advertisement so that streaming media is integrated into the single multiphase advertisement in the second phase of the single multiphase advertisement's graphical interface.

Independent claim 1 recites, in part:

generating, by a computing device, a first phase of a single multiphase advertisement comprising dimension information, the multiphase advertisement including a streaming media component, the first phase including a graphical interface having a first dimension defined by said dimension information;
generating, by the computing device, a second phase of the single multiphase advertisement in which the graphical interface has a second dimension that is different from the first dimension of the first phase, the second dimension defined by said dimension information, in the second phase of the multiphase advertisement the graphical interface includes a streaming media component space; (emphasis added).

Vijayan describes a system and method of web sites and interactive, animated, multimedia previews of web sites organized into a searchable database. The searchable database is stored on a central server and forms the backend of a visual search directory. Users access the database through an interface that allows them to perform a search and receive results from the search in the form of animated, multimedia previews of relevant web sites.

The Office Action concedes that Vijayan does not disclose “the multiphase advertisement comprising dimension information” and relies on Paragraphs [0409]-[0412] of Patel as curing the deficiencies of Vijayan. These paragraphs of Patel state that each banner in Patel includes dimensions in pixels. Applicant respectfully submits that Patel’s dimensions are for a single phase banner. Patel does not teach or suggest one of its banners containing dimension information for different phases of a multiphase advertisement.

Further, even if one of ordinary skill in the art combined the teachings of Vijayan with the teachings of Patel, the result would be different than the claimed elements identified above. Specifically, Vijayan's banner advertisement 90 displayed in Fig. 7C of Vijayan would contain Patel's dimension information for itself. Dimension information of Vijayan's expanded full site feature 92 of Fig. 7D of Vijayan would not be included in Patel's dimension information for the banner advertisement 90 of Vijayan's banner (of Fig. 7C). The dimensions of Vijayan's full site feature would be defined by Vijayan's separate viewer. Further, if Patel described two distinct banner advertisements, each banner advertisement would have its own dimension information. The dimension information in Patel is for a single banner. Patel does not describe a banner advertisement having dimension information for itself and another phase of an advertisement. Neither Patel nor Vijayan describe the banner advertisement 90 of Fig. 7C of Vijayan comprising dimension information for itself and for Vijayan's full site feature 92. Thus, the combination proposed would not yield all of the claim elements.

The Office Action states, on Page 30, that it "is obvious that the dimension information is defined for any phase of a banner advertisement or graphic. The dimensions of a graphic object must be defined to be rendered on a page." Applicant respectfully submits that it is not obvious for a multiphase advertisement to have dimension information for each phase of the advertisement. Neither Vijayan nor Patel teach or suggest this claimed element. As stated above, Patel discloses each of its banner advertisements having dimension information and not a multiphase advertisement that has dimension information which is used by each phase of the multiphase advertisement, as claimed.

Independent claim 1 also recites, in part:

building, by a computing device, the streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement's graphical interface by which at least a set of core media player variables and a set of core media player controls are each predefined and part of the multiphase advertisement, the streaming media component including a link to streaming media content;

The Office Action concedes that Vijayan does not disclose the above claim element and relies on Fullerton to cure the deficiencies of Vijayan. In particular, the Office Action states

(Pages 3-4) that Fullerton discloses, at page 4, paragraph [0043] and page 9, paragraphs [0181]-[0183]. “using the QuickTime 4.0 media engine to build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content.” Applicant respectfully submits that Fullerton’s discourse player 225 utilizes the QuickTime 4.0 media engine as its media player. Fullerton also discloses a toolbar that contains buttons (e.g., play, pause, etc.) to control playback of a presentation. Fullerton does not, however, disclose building a streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement’s graphical interface by which at least a set of core media player variables and a set of core media player controls are predefined and part of the multiphase advertisement, the streaming media component including a link to streaming media content, as recited in independent claim 1. Fullerton does not disclose a multiphase advertisement or building a streaming media component of a multiphase advertisement using a software player engine in accordance with a predefined design of the multiphase advertisement’s graphical interface, as recited in independent claim 1, nor is there any indication that Fullerton can be modified for combination with the other references to achieve the claimed subject matter.

The Office Action states, on Page 30, that Fullerton uses the QuickTime 4.0 media engine to “build a streaming media component with a predefined design including media player variables (size of window) and media player controls (play, pause) are predefined, including a link (hotspot) to streaming media content.” Applicant respectfully submits that merely using a QuickTime media engine to present audio and video data is not what is claimed. Unlike Fullerton’s use of a QuickTime media engine to display audio and video data, independent claim 1 recites building a streaming media component using a software player engine in accordance with a predefined design of the multiphase advertisement’s graphical interface. Fullerton does not teach or suggest building a streaming media component in accordance with a predefined design of a multiphase advertisement’s graphical interface. Further, the combination of Fullerton and Vijayan does not result in the claimed subject matter. Instead, the combination of Fullerton and Vijayan results in Vijayan’s user accessing a site preview and also being able to display audio and video data using Fullerton’s QuickTime media engine.

Independent claim 1 also recites, in part:

incorporating, by the computing device, the streaming media component into the streaming media component space of the graphical interface in the second phase of the multiphase advertisement so that the streaming media component is made available to play the streaming media content in the second phase of the multiphase advertisement's graphical interface.

The Office Action states that Hegde discloses the above claim element at Paragraph [0113]. Hegde describes playing rich media presentations included in an email, banner ad, and web page. Hegde does not, however, disclose the claim element identified above. In particular, Hegde does not disclose incorporating a streaming media component into a streaming media component space of a graphical interface in a second phase of a multiphase advertisement. Paragraph [0113] of Hegde describes a banner advertisement containing video. Hegde does not, however, teach or suggest incorporating a streaming media component into a streaming media component space of a graphical interface in a second phase of a multiphase advertisement, as claimed.

Katinsky also does not disclose the above claim elements. In particular, Katinsky discloses a web page having a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, and a media access area for containing a plurality of graphical icons. Katinsky does not, however, disclose the claim elements of claim 1.

Cantrell also does not disclose the claim elements of claim 1. Cantrell discloses a system and method for enabling user control over the creation and deployment of banner ad campaigns. Cantrell does not, however, disclose the claim elements of claim 1.

As a result, claim 1, and the claims that depend from claim 1, are allowable over the cited art, either alone or in combination. Further, independent claims 21, 33, 34, 43, and 44, and the claims that depend from these independent claims, are also allowable over the cited art for the reasons described above.

Further, independent claim 43 recites, in part:

a third phase in which the single multiphase interactive advertisement's graphical interface includes at least a streaming media component space, and in the third phase the graphical interface has a dimension that is larger than the second dimension of the second phase and defined by the dimension information, the third phase of the single multiphase interactive advertisement displayed on the display of the computing device;

wherein the third phase of the single multiphase interactive advertisement is triggered by an action performed on the second phase of the single multiphase interactive advertisement.

Applicant respectfully submits that none of the cited references teach or suggest a third phase of a multiphase advertisement that is triggered by an action performed on a second phase of a multiphase advertisement.

Additionally, dependent claims 39 and 47 recite that the second phase of the multiphase advertisement is triggered by a "mouse over" or "cursor over" the first phase of the single multiphase advertisement. Applicant respectfully submits that Vijayan's site preview of Fig. 7D is a result of its user clicking on an "Expand Banner" button shown in Fig. 7C. None of the cited references teach or suggest triggering a second phase of a multiphase advertisement by a mouse over or cursor over the first phase of the multiphase advertisement.

As a result, independent claims 1, 21, 33, 34, 43, and 44, and the claims that depend from these independent claims, are allowable over the cited art for the reasons described above. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience. The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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/James J. DeCarlo/

James J. DeCarlo

Reg. No. 36,120

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 20th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400